

## **REMARKS**

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of October 3, 2003.

All of the Examiner's objections and rejections are traversed.

Reexamination and reconsideration are respectfully requested.

### **Drawings**

Formal drawings (Replacement sheets 1/4 through 4/4, Figures 1-9) incorporating the drawing correction filed on July 3, 2003 (approved by the Examiner) are attached hereto. An early indication of acceptability of the Formal Drawings is earnestly solicited.

### **The Office Action**

Claims 1-6 and 8-23 remain in this application. Claim 7 is cancelled.

Claims 1-3, 5-8, 11, 12, 15-17, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeno et al. (U.S. Patent 5,135,891) in view of Koizumi et al. (U.S. Patent 5,698,892).

Claims 4, 9, 10, 13, 14, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeno et al. in view of Koizumi et al. as applied to claims 1 and 8 above, and further in view of McColgin et al. (U.S. Patent 4,553,153).

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeno et al. in view of Koizumi et al. as applied to claim 1 above, and further in view of Iizuka (U.S. Patent 5,172,206).

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeno et al. in view of Koizumi et al. as applied to claim 1 above, and further in view of Park et al. (U.S. Patent 5,053,298).

### **Claims 1-23 are Distinguished From the Cited Art**

Regarding independent claims 1, 8, and 17, the present application is distinguishable from the newly cited art, Iizuka, because Iizuka does not teach or suggest the claimed smoothing concepts. The present application states, "it is desirable to leave a smooth surface on the chip (surface) on which to apply the next filter coat (application, page 3, lines 11-13)." Moreover, the present application takes the further step of explaining the benefits of "smoothing" the surface of the

chip. "Smoothing," as defined in the specification (page 7, line 24 to page 8, lines 1-5), states that smoothing the surface of the chip helps to eliminate or prevent "sharp profiles of irregularities or other formed topographical structures present in one or more layers of the chip, so as to promote or enhance the transfer or flow of a fluid material, such as the filter material, across the surface of the chips." Applicant respectfully traverse the Examiner's apparent interpretation that grinding and polishing is equivalent to the smoothing, as presently claimed in claims 1, 8 and 17. The present application uses the term "smoothing" to describe a leveling of the surface of the chip.

Furthermore, the Examiner is implying that because Iizuka does not discuss polishing or grinding of its protective layers, it is teaching that there should be no polishing or grinding of the protective layers so to provide a rougher surface. Where in fact, the present application teaches something entirely unrelated, which is to use the inter-filter layers to provide a smoother surface.

A purpose of disclosed embodiments and recitations in the claims of the present application is to apply a conformal and planarizing coating (e.g. a clear coating) in-between the color filter coatings on an image sensor of scanners in order to create a smooth surface for subsequent coatings. This allows the subsequent color filter to coat more uniformly over the substrate topography. The inter-filter coating flows over the previously coated filter pattern and smoothes the topography, thus reducing local thickness variation and providing better filter uniformity across the entire substrate. This will deliver better color reproduction qualities as the chip-to-chip filter variation is reduced. This clear inter-filter coating is applied after each filter coating.

Lastly, on page 8 of the Office Action, it is argued that an inter-filter layer of Ikeno et al. was "not entirely removed." Based on this comment, it appears that the Examiner is arguing that since a part of the Ikeno et al. inter-filter is maintained this teaches the "without removing the inter-filter layer" language of claims 1 and 8. Applicant respectfully, but strongly traverses this position. First, claims 1 and 8 are method claims, which positively recite a step where an application is made without any removing operation, whereas Ikeno et al. clearly requires a removal step. Second, the present application has defined and claimed an inter-filter layer as a whole element. The Examiner cannot remove a part of this element and say that a

portion of it is still left. By saying, "without removing the inter-filter layer" the present application specifically recites not removing any portion of the inter-filter layer. Had the Applicant meant removing a portion of the inter-filter layer, Applicant would have so stated in the claims. Therefore, unlike Ikeno et al. and Koizumi et al., the present application does not remove any portion of the inter-filter layer what so ever (as now presented in claim 8 for clarity). The present claims are, thus, distinguished from the cited art.

## CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-6 and 8-23) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

No additional fee is believed to be required for this Amendment After Final. However, the undersigned attorney of record hereby authorizes the charging of any necessary fees, other than the issue fee, to Xerox Deposit Account No. 24-0037.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call Mark S. Svat, at Telephone Number (216) 861-5582.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP

1/05/04  
Date

Mark S. Svat  
Mark S. Svat  
Reg. No. 34,261  
1100 Superior Avenue, 7<sup>th</sup> Floor  
Cleveland, Ohio 44114-2579  
(216) 861-5582